

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

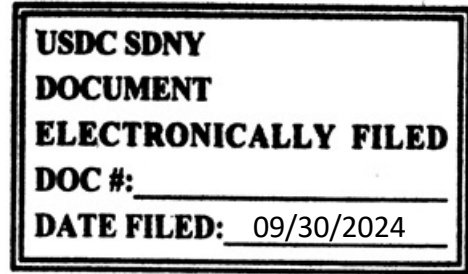
Theodosia Billie Streets,

Plaintiff,

-against-

Daniel Mangena a/k/a Lindani Mangena,
and Dreamer HQ Inc.,

Defendants.



1:23-cv-10648 (AT) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

A telephone conference was held in the above-captioned case today to discuss outstanding discovery, at which only counsel for Plaintiff appeared. (9/30/24 Minute Entry; see *also* Pl.’s 9/20/24 Ltr., ECF No. 67.) Today’s conference was scheduled by Order dated August 21, 2024 (8/21/24 Order, ECF No. 60), a copy of which was served by email upon *pro se* Defendant Daniel Mangena (“Mangena”) by his outgoing counsel, Aaron Pierce, Esq. (“Attorney Pierce”). (8/27/24 Aff. of Service, ECF No. 61.) Thus, Mangena failed to appear for the conference, despite having notice of such conference.

Prior to his counsel withdrawing, Mangena had failed to provide initial disclosures, as required, and had failed to respond to Plaintiff’s document requests. (Weiner Decl., ECF No. 52-1, ¶¶ 12-14.) In the August 21, 2024 Order, the Court granted Attorney Pierce’s motion to withdraw as counsel for Mangena and provided Mangena 21 days to secure new counsel. (8/21/24 Order ¶¶ 1, 3.) In the Order, Mangena was “reminded that, even if he [did] not secure new counsel, he [could] appear *pro se*, but [was] required to comply with all Court Orders and deadlines[.]” and he was warned that “[f]ailure to do so [could] result in the imposition of

sanctions, up to and including entry of a default judgment against him.” (*Id.* ¶ 3.a.) After entry of the August 21, 2024 Order, Mangena failed to retain new counsel, failed to serve initial disclosures and failed to respond to Plaintiff’s document requests. (Pl.’s 9/20/24 Ltr. at 1.)

Accordingly, it is hereby ORDERED that, no later than October 14, 2024, Mangena shall serve his initial disclosures and shall respond to Plaintiff’s document requests. Promptly after October 14, 2024, but no later than October 18, 2024, Plaintiff shall file a letter to the ECF docket stating whether Mangena has timely complied with this Order. If Mangena fails to timely comply with this Order, the undersigned will make a recommendation to Judge Torres, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure, to enter a default judgment against Mangena, based upon his failure to comply with Orders of the Court.¹

In addition to the Clerk of Court’s mailing of this Order to Mangena at the address supplied by Attorney Pierce, the undersigned’s Chambers will email a copy of this Order to Mangena at his email address supplied by Attorney Pierce.

¹ Rule 37 of the Federal Rules of Civil Procedure provides:

If a party . . . fails to obey an order to provide . . . discovery, . . . the court where the action is pending may issue further just orders. They may include: (iii) striking pleadings in whole or in part; . . . [or] (vi) rendering a default judgment against the disobedient party[.]

Fed. R. Civ. P. 37(b)(2)(A)(iii)-(vi); Fed. R. Civ. P. 16(f)(1)(A), (C) (permitting just orders, including those under Rule 37(b)(2)(A)(iii)-(vi), for party’s failure to appear at pretrial conference or obey pretrial order).

SO ORDERED.

Dated: New York, New York
September 30, 2024

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line. The signature is written in a cursive, slightly slanted style.

STEWART D. AARON
United States Magistrate Judge